

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,

Petitioner,

vs.

ROBERT L. AYERS, Jr.,  
Warden of San Quentin  
State Prison,

Respondent.

No. CIV S-01-0507 LKK KJM

DEATH PENALTY CASE

ORDER

Respondent seeks a hearing on shortened time for his renewed motion to conduct a mental examination of petitioner. Respondent filed his motion on March 26, 2010. Under Local Rule 230, the earliest date for a hearing would be April 23, with an opposition brief due on April 9 and a reply due on April 16. Respondent proposes a briefing schedule which would give petitioner until April 9 to file an opposition. The time shortened would be respondent's time to file a reply and, of course, the time permitted for petitioner and the court to review the reply prior to the proposed April 14 hearing.

According to respondent, his counsel attempted to obtain a stipulation for shortened time from petitioner's counsel but was told petitioner's counsel would be unable to consider the issue and respond until April 2.

1 Because this case currently is on a tight schedule as the parties prepare for the  
2 August 2010 evidentiary hearing, this court informed the parties it would consider setting a  
3 hearing on respondent's renewed motion on shortened time. Feb. 17, 2010 Order at 4. The court  
4 finds good cause for shortening the time for the hearing.

5 Accordingly, IT IS HEREBY ORDERED as follows:

6 1. Respondent's March 29, 2010 Request for Shortened Time is granted.

7 2. Respondent's March 26, 2010 Motion to Conduct a Mental Health Exam shall  
8 be heard by the undersigned in courtroom # 26 on April 14, 2010 at 11:30 a.m. Petitioner shall  
9 file any opposition to the motion by April 9, 2010. Respondent shall file any reply by 5:00 p.m.  
10 on April 12, 2010.

11 DATED: April 5, 2010.

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14 U.S. MAGISTRATE JUDGE  
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